

1 15. When contacting Plaintiff on his cellular telephone, Defendant used an automatic
2 telephone dialing system and automatic and/or pre-recorded messages.

3 16. Defendant's automated messages would begin with a five (5) to ten (10) second
4 delay before Plaintiff would be transferred to a live representative.

5 17. During initial communication and subsequent conversations thereafter,
6 Defendant would offer its student loan services, at which point, Plaintiff would decline and
7 request any and all future calls to his cellular telephone to cease.

8 18. Defendant acknowledged Defendant's revocation stating, "Ok, Thank you" then
9 hanging up.

10 19. Nonetheless, Defendant ignored Plaintiff's formal revocation, and continued to
11 call.

12 20. Defendant's telephone calls were not made for "emergency purposes."

13 21. Despite the above, Defendant persisted in calling Plaintiff on his cellular
14 telephone for several months.
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17 **DEFENDANT VIOLATED THE**
18 **TELEPHONE CONSUMER PROTECTION ACT**

19 22. Plaintiff incorporates the forgoing paragraphs as though the same were set forth
20 at length herein.

21 23. Defendant initiated multiple automated telephone calls to Plaintiff's cellular
22 telephone using a prerecorded voice.

23 24. Defendant initiated these automated calls to Plaintiff using an automatic
24 telephone dialing system.

25 25. Defendant's calls to Plaintiff were not made for emergency purposes.

1 26. Defendant's calls to Plaintiff after he revoked consent were not made with
2 Plaintiff's prior express consent.

3 27. Defendant's acts as described above were done with malicious, intentional,
4 willful, reckless, wanton and negligent disregard for Plaintiff's rights under the law and with the
5 purpose of harassing Plaintiff.

6 28. The acts and/or omissions of Defendant were done unfairly, unlawfully,
7 intentionally, deceptively and fraudulently and absent bona fide error, lawful right, legal
8 defense, legal justification or legal excuse.

9 29. As a result of the above violations of the TCPA, Plaintiff has suffered the losses
10 and damages as set forth above entitling Plaintiff to an award of statutory, actual and trebles
11 damages.
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14 WHEREFORE, Plaintiff, STEVEN HYATT, respectfully prays for judgment as follows:

- 15 a. All actual damages suffered pursuant to 47 U.S.C. §227(b)(3)(A);
16 b. Statutory damages of \$500.00 per violative telephone call pursuant to 47
17 U.S.C. §227(b)(3)(B);
18 c. Treble damages of \$1,500 per violative telephone call pursuant to 47
19 U.S.C. §227(b)(3);
20 d. Injunctive relief pursuant to 47 U.S.C. §227(b)(3); and
21 e. Any other relief deemed appropriate by this Honorable Court.
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23 **DEMAND FOR JURY TRIAL**

24 PLEASE TAKE NOTICE that Plaintiff, STEVEN HYATT, demands a jury trial in this
25

1 case.

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3 **CERTIFICATION PURSUANT TO L.CIV.R.11.2**

4 I hereby certify pursuant to Local Civil Rule 11.2 that this matter in controversy is not
5 subject to any other action pending in any court, arbitration or administrative proceeding.

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7 Respectfully submitted,

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9 Dated: July 3, 2015

10 By: /s/ Amy Lynn Bennecoff Ginsburg
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